## REMARKS

Claims 2-5 and 11-13 are pending. By this Amendment, Claims 6-10 are canceled without prejudice or disclaimer, Claim 2 is amended and Claim 13 is added. Applicants respectfully submit that support for the amendments and additional claim is provided in the originally filed application, such as, for example only, paragraph [0037] and drawing Figures 1-9, and as such, no new matter is presented herein.

**Withdrawal of Application from Allowance and January 24, 2005 Interview**

Applicants respectfully acknowledge the Notice of Allowance dated January 12, 2005 has been withdrawn due to a previously unknown reference, i.e., U.S. Patent No. 4,499,663 to Zwick et al. (hereinafter "Zwick"). The Interview Summary Report attached to the Office Action dated January 31, 2005 indicates such information "was discussed" during a January 24, 2005 telephonic interview. Applicants' representative wishes to clarify the record as the Examiner and Applicants' representative did not discuss the matter with each other. Rather, a message was received by Applicants' representative from the Examiner indicating that the January 12 Notice of Allowance was being withdrawn. At no point did Applicants' representative discuss the matter with the Examiner. Accordingly, Applicants understand the Interview Summary Report enclosed with the January 31 Office Action merely summarizes a voice mail message left by the Examiner on January 24, 2005 in the Applicants' representative's voice mail box.

**Claims 2-5 and 11-12 Recite Patentable Subject Matter**

Claims 2-5 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by, Zwick. Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zwick. Applicants respectfully traverse the rejections.

Claim 2 recites a fuel cell comprising, among other features, fuel and oxidizing gas passages that have a passageway length that are equal to each other. Put simply, the fuel and oxidizing gas passages are of equal length.

Zwick does not disclose or suggest such a feature.

Rather, Zwick specifically teaches away from such a feature due to the structural arrangement of the fuel cell 10 disclosed by Zwick. Specifically, Zwick discloses the fuel cell 10 includes fuel passages 20 through which fuel passes via a fuel inlet manifold 16 disposed on a first (left) end of the fuel cell 10. See Figure 1. Moreover, the fuel cell 10 includes oxidant passageways 26 through which the oxidant passes via an oxidant inlet manifold 22 disposed on a second (right) end of the fuel cell 10 opposite the first (ieft) end.

As such, the fuel enters the fuel inlet manifold 16 and flows in a direction toward the oxidant inlet manifold 22, i.e., left to right as viewed in Figure 1. The oxidant enters the oxidant inlet manifold 22 and first flows in a direction toward the fuel inlet manifold 16, i.e. right to left as viewed in Figure 1. The oxidant then impinges on the ends cap 28 positioned at the remote end of the oxidant passageway 26 relative to the oxidant inlet manifold 22 and then flows in a direction toward the oxidant inlet manifold 22, i.e., left to right as viewed in Figure 1, which is opposite to the initial direction the oxidant flows through the oxidant passageway 26.

As shown in the enclosed marked-up Figure 1 of Zwick, the fuel passageways 20 have a passageway length Fl. The oxidant passageways 26 have a passageway length Ol. The equation noted on the marked-up Figure 1 of Zwick explains that $Fl \neq Ol$ as the difference between the passageway lengths $\Delta$ equals the thickness of the end cap 28 in

each oxidant passageway 26. Put simply, the fuel passageways 20 disclosed by Zwick do not have a passageway length that is equal to a passageway length of the oxidant passageways 26 because of the presence of the end caps 28 in each oxidant passageway 26.

Applicants note the end caps 28 appear to be located at the left end of the oxidant passageway to prevent the oxidant from flowing into the fuel inlet manifold 16 as well as to prevent the fuel from unintentionally entering the oxidant passageways when flowing through the fuel inlet manifold 16 prior to entering the fuel passageways 20.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. To establish prima facie obviousness of a rejected claim, each feature of the rejected claim must be taught or suggested by the applied art. As explained above, Zwick does not disclose or suggest each and every feature recited by pending Claim 2. Therefore, Zwick does not anticipate or render obvious the invention recited by pending Claim 2. Accordingly, Applicants respectfully submit pending Claim 2 should be deemed allowable.

Claims 3-5 and 11-12 depend from Claim 2. It is respectfully submitted that these dependent claims should be deemed allowable for the same reasons as Claim 2, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections.

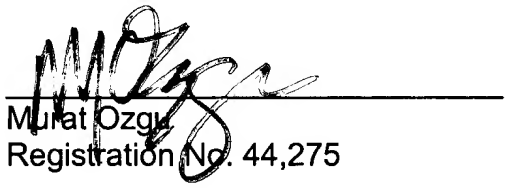
**Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 2-5 and 11-13, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 101213-00009**.

Respectfully submitted,



Murat Ozgu
Registration No. 44,275

Enclosure: Marked-up copy of Figure 1 from Zwick

Customer No. 004372

ARENT FOX PLLC
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

MO/elp